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JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
March 23, 2011**

**House Bill 6490, An Act Establishing a Procedure for Relief from Certain
Federal Firearms Prohibitions**

Thank you for the opportunity to submit testimony in support of House Bill 6490, *An Act Establishing a Procedure for Relief from Certain Federal Firearms Prohibitions*. This bill, which is the result of the collaborative efforts of the Judicial Branch, the Department of Public Safety, the Office of the Probate Court Administrator, the Department of Mental Health and Addiction Services and the Office of Policy and Management, is necessary in order to ensure that the state is eligible to receive federal funding under the NICS Improvement Act of 2007 (NIAA). The NIAA authorized new federal grant programs to assist states with their efforts to provide notice of persons who are disqualified from owning a firearm to the National Instant Criminal Background Check System (NICS), as required by federal law. The Act also authorizes penalties for non-compliance with its requirements, which include a reduction in state match funds under the National Criminal History Improvement Program and Byrne Justice Assistance Grant penalties.

In 2008, DMHAS, DPS, Judicial, and OPM collaborated to assess the overall impact of the NIAA on current state practices. The assessment identified several types of firearms disqualification records that are not available to the NICS. In an effort to make more court records available, the Judicial Branch applied for \$506,500 in federal grant assistance through the U.S. Department of Justice under the NICS Act Record

Improvement Program for States and State Courts (NARIP 2009). The Judicial Branch also collaborated extensively with the Office of Policy and Management, the Division of Criminal Justice (DCJ), and other agencies in support of DCJ's request for grant assistance under the NARIP in 2009. However, both grant requests were denied because the State of Connecticut did not have a relief from disabilities program in place.

Last year, Congress doubled the appropriation for the NARIP from \$10 million to \$20 million. At least three states were eligible for this funding after enacting legislation to implement relief from mental health disabilities programs; passage of this bill would make Connecticut also eligible. Compliance with the act is monitored by the Bureau of Alcohol, Tobacco and Firearms, and we have been communicating with them to ensure that any language enacted conforms to their requirements. Based on their feedback, we would respectfully suggest that the following underlined language be added to the bill:

Amend lines 46-48 as follows:

Failure to provide the requested information within such time period [shall] may result in a denial of the petition.

Amend lines 82-85 as follows:

[In order to grant relief under this section, the court must find] The court shall grant relief under this section if it finds by clear and convincing evidence that: (1) The petitioner will not be likely to act in a manner dangerous to public safety, and (2) granting the relief will not be contrary to the public interest.

Currently, the Judicial Branch is working with OPM and other state partners to develop an enhanced computer system for records that result in firearms disqualifications. To assist with this endeavor, a grant application is now being developed for the new state funding under the act. However, passage of this bill is necessary in order for the state to qualify for the grant. For this reason, I urge the Committee to act favorably on this proposal.

Thank you for your consideration.